

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

3. The Department admits that the petitioner made a timely report of this additional income, but that it failed to

correctly calculate his benefits to account for this income until a review of his case was held on March 12, 2002.

4. The petitioner admits that presently his monthly income from Social Security and SSI benefits is \$624, and that after applying a standard deduction of \$134 this leaves him with net income of \$490. On March 15, 2002 the Department notified the petitioner that effective April 1, 2002 his Food Stamps would be reduced from \$135 to \$10 a month. The petitioner does not dispute the Department's calculations as to his benefit amount.

5. As of the dates of the hearing in this matter, May 16 and June 11, 2002, the Department had not taken any action regarding the amount of any overpayment. The petitioner was advised that he could file a separate appeal if he disagreed with any Department decision regarding the overissuance of Food Stamps prior to April 1, 2002.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp regulations all unearned income is considered in calculating a household's eligibility. F.S.M.

§ 273.9(b). The only deduction for which the petitioner qualifies is a standard deduction of \$134. Id. § 273.9(d). As noted above, the petitioner does not dispute that the Department's calculations of his Food Stamps are in accord with the above regulations. Therefore, the Board is bound to affirm the Department's decision in this matter. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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